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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,255	02/22/2002	Leslie Beth Herbert	83647RLO	9959

7590
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EXAMINER

KANG, ROBERT N

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/081,255

Applicant(s)

HERBERT, LESLIE BETH

Examiner

Robert N. Kang

Art Unit

2625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/15/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-19 is/are rejected:
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 and 11-19 have been considered but are moot in view of the new ground(s) of rejection. Because of the confusing and convoluted nature of the claims- abbreviations are utilized by the examiner to enhance clarity and brevity. For example, claim 1, limitation a is abbreviated as 1(a).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 16 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The MPEP states in Chapter 2100 Section IV:

"Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 6, 11-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US 6,715,003) in view of Roosen (US 2002/0036793).

Regarding independent claims 1, 11, and 15, Safai discloses a digital camera with a GUI (FIG. 4A) enabling the user to select certain images (FIG. 3C and col. 11 lines 46-57) and assign a plurality of options (e-mail, develop, print) to be sent via a transport system (FIG. 6) to a server 601, which executes the selected option (col. 15 line 45- col. 16, line 12). Thus 1(a, b), 11(a-d), and 15(a-d) are met by Safai.

Safai also discloses a delete option check box 472 (FIG. 5 and col. 14 lines 38-44) which deletes an image from the memory of the camera after sending to the server 601, thereby meeting 15(f).

Safai's server automatically performs the processing specified by the print control file, and therefore he does not expressly disclose management limitations 1(c-e), 11(e-g), and 15(e, g, h).

Roosen discloses a remote printer control system wherein interactive print jobs (IPs) are sent by user workstations (paragraph 0027), stored on the memory of a printer (0031) and managed via a server or workstation (0042 and 0099) via desktop software.

Safai and Roosen are combinable because they both pertain to remote image printing.

Therefore, it would have been obvious at the time of invention to one of normal skill in the art to include in Safai a management system as disclosed by Roosen at the server 601. Logically, all options available in Safai (e-mail, print, develop) are

executable through the management system of Roosen. Roosen discloses that a received IP job is added to a list and displayed in window 22 of the desktop software (FIG. 8 and 0063), therefore meeting 1(c), 11(e), and 15(e). Furthermore, Roosen discloses printing (or executing the designated task, in context of the aforementioned combination) must be initiated by a user selection (0030), therefore, the combination meets 1(d, e), 11(f, g), and 15(g, h).

The motivation of this modification would be to allow greater user control (including sorting/ordering, canceling, and modifying) of a given number of operations or jobs at the server side.

Thus it would have been obvious to combine Safai with Roosen to obtain the invention of claims 1, 11, and 15. As the method of claim 1 is unpatentable over Safai/Roosen, said method encoded on a computer readable medium as disclosed by claim 16 is also unpatentable.

Safai includes an e-mail address to be included with the print control file (FIGs. 4B-D), thereby meeting claim 12.

Roosen discloses viewing the settings of any print job (0066) and editing said settings (0108, operation 54), thereby meeting claims 5 and 14.

Claim 13 merely discloses repeating the method of claim 11 twice before initiating any printing. As the print jobs in Roosen are added to a list dynamically, i.e., at

any time, the user may choose to wait until several print jobs are loaded into the memory of the printer before selecting jobs for printing. Thus Safai/Roosen meets the requirements of claim 13.

By the same token, the user may choose to print (step f) before any subsequent print/send jobs are forwarded from the camera to the server, thereby meeting claim 17, as well.

Roosen discloses a method to modify the settings of a selected IP job (0108). The settings, in the context of the Safai/Roosen combination, include the images selected for printing/sending. Therefore, the user may, at the server side, modify which images are selected. Ergo, by deselecting an image, the user excludes an image from printing/sending, as required by claim 19.

3. Claims 2-4, 6, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US 6,715,003) in view of Roosen (US 2002/0036793).

Safai discloses using thumbnails on the LCD selection screen of the digital camera (col. 11, lines 57-60).

Neither Safai nor Roosen discloses sending the thumbnails with the digital images (claim 2), or displaying the thumbnails in the task list (claim 3).

However, Examiner takes official notice that image and print previews through the use of reduced thumbnail images were well known at the time of invention (official notice).

Therefore, it would have been obvious to modify Safai/Roosen such that thumbnails are utilized to preview the print/e-mail jobs, thereby meeting claim 3. Additionally, since each job in the display list would show the thumbnails of selected images, claim 18 is also met. Finally, while it is common that the operating system itself generates a thumbnail image in order to reduce transmission size, in file formats such as the RAW format wherein conversion to a viewable image takes great processing power, a pre-converted thumbnail preview is often attached (official notice). The RAW file format is exclusively utilized in digital cameras, and as such when transmitting a captured image, the thumbnail is transferred as well. Thus claim 2 is met as well.

The motivation of this modification would be to allow the user to preview a job in the display list at a glance.

Thus it would have been obvious to modify Safai/Roosen to obtain the invention as disclosed in claims 2, 3, and 18.

As the modified Safai/Roosen invention meets claims 2 and 3, claims 4 (the email feature of 11(b-e)) and 6 (replication of claims 5/14) are also unpatentable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert N. Kang whose telephone number is 571-272-0593. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert N. Kang



Twyler M. Lamb
Supervisory Patent Examiner